REMARKS

A. Status of the Claims

Claims 33-42 were pending at the time of the Action, with claims 35-38, 41, and 42 being withdrawn from consideration. Claims 35-38, 41, and 42 have been canceled as being drawn to non-elected inventions. Applicants reserve the right to pursue the subject matter of these claims in one more dependent claims. Claim 33 has been canceled. Applicants reserve the right to pursue the subject matter of this claim in a continuing application. Claim 34 has been canceled and replaced by new claim 44. Claim 39 has been amended to independent form. In addition, claim 39 has been amended to recite that the transgenic animal is a rat or mouse. Claim 39 also has been amended to recite that the type IIA tau molecule is under the control of a tissue specific promoter for the expression to the type IIA tau molecule in neuronal cells. Support for this amendment can be found in the specification at, for example, page 38, 4th paragraph, and page 36, 4th to 6th paragraph. Claim 40 has been amended to maintain proper antecedent basis with claim 39. New claim 43 has been added. Support for this claim may be found in the specification at, for example, p. 27, 3rd paragraph. New claims 44 and 45 have also been added. Thus, claims 39-40 and 43-46 are now pending and under examination. No new matter was added by these amendments.

B. Claim Rejections Under 35 U.S.C. § 112

The Action rejected claims 33-34 and 39-40 under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Action acknowledged that the specification is enabling for making a transgenic rat and mouse comprising a genome having a double truncated tau sequence integrated therein, but argued that the specification does not reasonably enable making a transgenic animal of any species, wherein the genome of the animal comprises a double truncated tau sequence

integrated into the endogenous tau equivalent gene and further wherein the animal exhibits Alzheimer's disease associated risk factors. Applicant traverses this rejection.

Applicants believe that the language of the current claims overcomes each of the issues identified in the Action. Claim 39, which provides a description of the double truncation, has been rewritten in independent form. In addition, the current claims are directed to transgenic rats and mice, which are transgenic animals that the Action indicates the present specification is enabling for (Action, p. 5). Current claim 39 also recites that the type IIA tau molecule is under the control of a tissue-specific promoter for the expression of the type IIA tau molecule in neuronal cells. Thus, the claims specify that the type IIA tau molecule is under the control of a promoter, and it is a tissue-specific promoter that would drive expression in relevant cells (*see* Specification, p. 36, para. 4 – 6; p. 38, para. 4.) The Action acknowledges that tissue-specific promoters were known in the art (Action, p. 8).

In view of the above, the claims are enabled. Applicants therefore, request the withdrawal of this rejection.

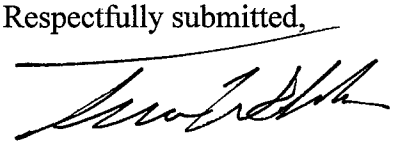
C. Double Patenting

Claims 33-34 were provisionally rejected for nonstatutory obviousness-type double patenting over claims 17-21 of copending Application No. 10/521,049. This rejection is moot in view of the cancellation of claims 33-34.

D. Conclusion

Applicants believe that these remarks fully respond to all outstanding matters for this application. Applicant respectfully requests that the rejections of all claims be withdrawn.

Respectfully submitted,



Travis M. Wohlers
Reg. No. 57,423
Attorney for Applicant

(Customer No. 32425)
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.536.5654 (Voice)
512.536.4598 (Fax)

Date: August 3, 2009